

**DECISION**



17786 *Kuppert*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*[Protest of VA Contract Award]*

FILE: B-199568

DATE: April 16, 1981

MATTER OF:

Lanier Business Products, Inc.

*WG01045*

**DIGEST:**

Determination by contracting agency that equipment in quotation meets requirements of request for quotations is reasonable.

Lanier Business Products, Inc. (Lanier), protests the award to Dictaphone Corporation (Dictaphone) under a request for quotations (RFQ) issued by the Veterans Administration Medical Center, Nashville, Tennessee (VA). *WG0104* *AGC0146*

Lanier contends that Dictaphone's quotation did not comply with certain requirements of the RFQ. Based upon our review of the record, Lanier's protest is considered to be without merit.

The VA requested quotes for a central closed loop dictation system in accordance with VA Specification X-1710, dated June 1, 1977, including an automated control system (ASC) capable of accepting input from 20 recorders. Included within the mandatory requirements for the ACS is specification "J" of the ordering data which provides for connect capability to a bank of 10 recorders. The specification also states that all items must be available on a current General Services Administration (GSA) schedule. Lanier contends that Dictaphone's quotation does not comply because its "electronic switching matrix" can provide connect capability to at most eight recorders, not 10 as required.

The record discloses that Dictaphone submitted a quotation which lists two Model 1982 Electronic Switching Matrix (ESM) modules and one Model 1980 ESM module. Dictaphone states that these components

*016562* **114952**

were quoted in response to specification "J." In order to comply with this specification, Dictaphone states that "we will use one Model 1982, which will provide Automatic Selection Capability to 8 recorders." The Model 1982 will then be integrated with one-half of the Model 1980 ESM, which will provide further Automatic Selection Capability for an additional two recorders. In this configuration, Automatic Selection Capability, therefore, will be provided for a bank of 10 recorders. Dictaphone states further:

"We will then repeat the exact same procedure for the second bank of ten recorders, with one Model 1982 (8 recorders) and the second half of the Model 1980 (2 recorders) which again will provide Automatic Selection Capability for a bank of ten recorders."

Counsel for Lanier contends that Dictaphone's approach will require extensive rewiring in order to achieve what Dictaphone has represented will be the equivalent of a 10-recorder capability for the eight-recorder devices. Counsel contends that the creation of such a custom-made device clearly violates the RFQ requirement that all equipment being offered "must be available on a current GSA schedule" and, therefore, states that VA has permitted Dictaphone to deviate materially from the RFQ.

Dictaphone offers the following comments in response to Lanier's contentions:

"\* \* \* page 33 of Dictaphone's published GSA Schedule states that:

"'The Electronic Switching Matrix is modular. It is offered in four basic configurations...'

"This catalogue statement specifically refers to the modular nature of Dictaphone's ESM switchboard. 'Modular' means that the System may be expanded upon if that requirement should exist, as it does in this case. Therefore,

if a requirement exists for selection capability for more than eight Recorders, it is possible to provide this selection capability by simply adding on a modular component ESM part.

"The Dictaphone Catalog does not prove, or even infer, that a Dictaphone System is limited to selection capability to at most eight Recorders. The Dictaphone Catalog does emphasize that the four listed configurations are 'basic configurations.'

"Finally, all of the components quoted by Dictaphone are on contract and published in Dictaphone's Current Federal Supply Catalog, thus dissolving the notion of a 'custom-made device.'" (Emphasis in Dictaphone's comments.)

Dictaphone further states that the ESM modules do not require the "extensive customizing (by re-wiring)" that Lanier contends is necessary and that any "wiring" it performs will be due to standard installation procedures of a central dictation system.

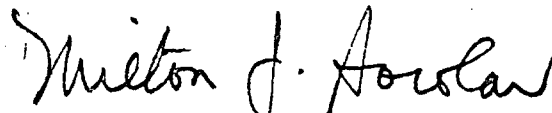
Lanier also contends that the award is improper because Dictaphone's control modules are only capable of accepting input from 50 dictate stations rather than the 60 minimum required by the RFQ. However, Dictaphone indicates the components it intends to use will handle 150 dictate stations, 90 more than required. Dictaphone has also explained in detail that its system does provide "turn around time for each report dictated" contrary to Lanier's contention. Further, Lanier's contention that Dictaphone's quotation of a single select dictate station, rather than a three-position selector switch, violated the VA specification No. X-1710, paragraph 3.3.1, entitled "Hardwired Stations," is without merit. Paragraph 3.3.1 states that "[w]hen specified (6.2p), stations in a Class-A, Automatic selection system shall contain a three position selector switch." (Emphasis supplied.) Paragraph 6.2 ordering data of the specification

provides: "(p) Specify if three position switch for hardwired station in Class-A is required (3.3.1)." The ordering data in the RFQ for paragraph 6.2(p) states "Not Applicable" and, therefore, Dictaphone was not required to offer a three-position selector switch.

The VA, in its report to our Office on the protest, states that, in the opinion of the program officials at the VA Medical Center in Nashville, the system proposed by Dictaphone meets the requirements of the RFQ and the needs of the Government.

The record does not support Lanier's contention that the equipment Dictaphone proposes is other than that available on its current GSA schedule. Further, we find the judgment of the VA program officials that the system proposed by Dictaphone meets the requirements to be reasonable. See Ampex Corporation, B-190789, May 10, 1978, 78-1 CPD 353.

Accordingly, the protest is denied.



Acting Comptroller General  
of the United States